APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,078	11/21/2005	Alex Ruelle	7251/95365	1689

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DASGUPTA, SOUMYA

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/551,078	RUELLE ET AL.
	Examiner	Art Unit	
	Soumya Dasgupta	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 July 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/30/2005, 6/6/2006</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This is the initial office action based on 10/551,078 application filed on 11/21/2005. The application is a 371 of PCT/GB05/03411 on 9/5/2005 and claims the benefit of provisional application 60/624,218 on 11/2/2004. Claims 1-9, as originally filed, are currently pending and have been considered below. Claims 1 and 7-9 are independent claims.

Claim Rejections - 35 USC § 101

Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 6:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 6 recites a "*system*" comprising "*a window display module*" (see Line 3), "*priority assignment module*" (see Line 6), *"focus assignment module"* (see Line 8), and *"active window designation"* (see Line 12). Each of these elements of the "*system*" are software per se in that none of these elements comprise computer hardware. Thus, the "*system*" recited in Claim 8 is not within a statutory class as defined in 35 U.S.C. 101 (*i.e.*, a "process," a "machine," a "manufacture" or a "composition of matter").

Accordingly, Claim 6 fails to recite statutory subject matter as defined in 35 U.S.C. 101.

Claims 7-10:

Dependent claims:

Claims 7-10 merely recite further definitions of the elements recited in Claim 6 or additional functions performed by the "*system*" of Claim 6. Thus, the "*system*" recited in Claims 7-10 is not within a statutory class as defined in 35 U.S.C. 101 (*i.e.*, a "process," a "machine," a "manufacture" or a "composition of matter").

Accordingly, Claims 7-10 fail to recite statutory subject matter as defined in 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaaskelainen (US 6002397; Patent Issue Date: Dec 14, 1999; hereafter Jaaskelainen).

Claim 1:

Jaaskelainen teaches **a method for managing windows in a window-based display system, the method comprising: providing a plurality of windows, each window being associated with an application, at least one of the plurality of windows being able to accept focus;** (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

assigning, to each one of the plurality of windows being able to accept focus, a focus priority; (Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority.)

assigning focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows able to accept focus, a window having a highest focus priority of the windows able to accept focus; (Fig 2A – 2D, Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority that can be activated by selection.)

and designating the chosen window as an active window. (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

Claim 2:

Jaaskelainen teaches **the method further comprising: maintaining an ordered list, in order of focus priority, of the at least one of the plurality of windows which is able to accept focus, giving preference within any one focus priority to one or more windows which have requested focus.** (Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority. Fig 3, item 153 → Jaaskelainen teaches a system that displays multiple windows of applications that is listed in a table in priority.)

Claim 3:

Jaaskelainen teaches **the method according wherein the assigning focus is performed by assigning focus based on the order of the ordered list.** (Fig 3, item 153 → Jaaskelainen teaches a system that displays multiple windows of applications that is listed in a table in priority.)

Claim 4:

Jaaskelainen teaches **the method further comprising: upon occurrence of an event which causes the active window to become non-active, performing the assigning focus to exactly one window, thus designating a new active window.** (Col 1, lines 34-37 → Jaaskelainen teaches a system that minimizes and closes windows in order to change the focus of the interface.)

Claim 5:

Jaaskelainen teaches **the method wherein the event which causes the active window to become non-active comprises at least one of the following: closing of the active window;** (Col 1, lines 34-37 → Jaaskelainen teaches a system that minimizes and closes windows in order to change the focus of the interface.)

and the active window becoming hidden. (Col 1, lines 34-37 → Jaaskelainen teaches a system that minimizes and closes windows in order to change the focus of the interface.)

Claim 6:

Jaaskelainen teaches **a window-based display system for managing windows, comprising: a window display module to provide a plurality of windows, each window being associated with an application, at least one of the plurality of windows being able to accept focus;** (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

a priority assignment module to assign, to each one of the plurality of windows being able to accept focus, a focus priority; (Fig 3 and Fig 7 → Jaaskelainen

teaches a system that displays multiple windows of applications that is assigned priority.)

a focus assignment module to assign focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows able to accept focus, a window having a highest focus priority of the windows able to accept focus; (Fig 2A – 2D, Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority that can be activated by selection.)

and an active window designation module to designate the chosen window as an active window, (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

wherein the window display module, the priority assignment module, the focus assignment module and the active window designation module are operationally associated with each other. (Fig 2A – 2D, Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority that can be activated by selection.)

Claim 7:

Claim 7 corresponds to claim 2.

Claim 8:

Claim 8 corresponds to claim 3.

Claim 9:

Claim 9 corresponds to claim 4.

Claim 10:

Claim 10 corresponds to claim 5.

Claim 11:

Claim 11 corresponds to claim 1.

Claim 12:

Claim 12 corresponds to claim 2.

Claim 13:

Claim 13 corresponds to claim 3.

Claim 14:

Claim 14 corresponds to claim 4.

Claim 15:

Claim 15 corresponds to claim 5.

Claim 16:

Jaaskelainen teaches **a method for managing windows in a window-based display system, the method comprising: providing a plurality of windows, each window being associated with an application, at least one of the plurality of windows being able to accept focus;** (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

assigning, to each one of the plurality of windows, a focus priority; (Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority.)

maintaining an ordered list, in order of focus priority, of the at least one of the plurality of windows which is able to accept focus, giving preference within any one focus priority to one or more windows which have requested focus; (Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority. Fig 3, item 153 → Jaaskelainen teaches a system that displays multiple windows of applications that is listed in a table in priority.)

and assigning focus to exactly one window at any time by choosing, from among the at least one of the plurality of windows which is able to accept focus, a window having the highest focus priority (Fig 2A – 2D, Fig 3 and Fig 7 → Jaaskelainen teaches a system that displays multiple windows of applications that is assigned priority that can be activated by selection.)

and designating the chosen window as an active window. (Fig 2A – 2D → Jaaskelainen teaches a system that displays multiple windows of applications that can be activated.)

Claim 17:

Claim 17 corresponds to claim 4.

Claim 18:

Claim 18 corresponds to claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soumya Dasgupta whose telephone number is 571-272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/Doug Hutton/
Supervisory Primary Examiner
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